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Special Civil Application No. 94 of 1996

CORAM: A.N. DIVECHA, J.  
Date: 30th January 1996

Order

The order passed by the Urban Land Tribunal at Ahmedabad (respondent No.2 herein) on 30th December 1993 in Appeal No. Vadodara-858 of 1984 is under challenge in this petition under Art. 226 of the Constitution of India at the instance of the State of Gujarat. A copy of the impugned order is at Annexure A to this petition.

2. It appears that the lands in question had 13 rooms thereon. The construction was found to be prior to coming into force of the Urban Land (Ceiling and Regulation) Act, 1976. Such constructed property has to be excluded from the holding of the land owner in view of the binding ruling of the Supreme Court in the case of Smt. Meera Gupta v. State of West Bengal and others reported in AIR 1992 Supreme Court 1567. Respondent No.2 has thus correctly applied the law to the case on hand. His impugned order calls for no interference by this court in this petition under Art. 226 of the Constitution of India. This petition is therefore summarily rejected.

(A.N. Divecha, J.)